

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

N.D., individually and on behalf of J.D., a
child with a disability,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

22-CV-08895-LTS

ORDER

N.D. (“Plaintiff”), the parent of a child with learning disabilities, brings this action against the New York City Department of Education (“Defendant” or “DOE”) to recover attorneys’ fees under the Individuals with Disabilities Education Act (the “IDEA”), 20 U.S.C § 1415(i)(3). Pending before the Court is Plaintiff’s motion for summary judgment. (Docket entry no. 22.)

On July 31, 2024, Plaintiff submitted a letter (docket entry no. 54) apprising the Court of a tandem appeal pending before the United States Court of Appeals for the Second Circuit, which consolidates appeals regarding several similar fee-dispute cases between Plaintiff’s law firm and the Defendant. See Y.G. v. N.Y.C. Dep’t of Educ., No. 22-1184 (2d Cir. filed May 27, 2022). The consolidated case management plan orders that, “[a]dditional fee dispute appeals taken by either party during the pendency of these appeals, in the exercise of the Court’s discretion, will be remanded to the district court for reconsideration following the determination of these appeals.” (Docket entry no. 54 at 9.) In light of that order, the Court hereby stays this case pending the Second Circuit’s decision in the tandem appeals. The pending motion for summary judgment is terminated without prejudice to restoration following such a

decision. The Parties are directed to file a joint letter in this case within 30 days after the issuance of the Circuit's decision in Y.G., indicating whether the motion should be restored to the docket and whether amended or supplemental briefing will be necessary. This resolves docket entry no. 22.

SO ORDERED.

Dated: New York, New York
August 15, 2024

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge